

65X  
VIRGINIA:

BOOK 550 PAGE 104

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 01-1016-0964

ELECTIONS: UNIT H-44  
(herein "Subject Drilling Unit")

REPORT OF BOARD  
FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on December 18, 2001 which was recorded at Deed Book 537, Page 673 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on January 11, 2002, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates that the escrow of funds is required with regard to Unit H-44;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Union National Bank, Corporate Trust PA1328,123 Broad Street, Philadelphia, PA 19109-1199, Telephone: (215) 985-3485 or (800) 664-9359, Attn: Don Ballinghoff, or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

ENTERED

**Mailing of Order and Filing of Affidavit:** The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

**Conclusion:** Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.


Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 24<sup>th</sup> day of June, 2002, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

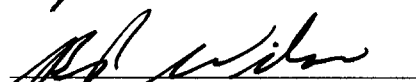
STATE OF VIRGINIA  
COUNTY OF WISE

Acknowledged on this 24<sup>th</sup> day of June, 2002, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Susan G. Garrett  
Notary


My commission expires: 7/31/02.

DONE AND PERFORMED THIS 1<sup>st</sup> day of July, 2002, by Order of the Board.

  
B. R. Wilson,  
Director of the Division of Gas & Oil Board and  
Principal Executive to the Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 1<sup>st</sup> day of July, 2002, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.

  
Diane J. Davis, Notary

My commission expires: 9/30/05.

**Order Recorded Under Code of  
Virginia Section 45.1-361.26**

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit H-44  
VGOB 01-1016-0964 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") REGARDING  
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by Consol Energy Inc., as a Gas Engineer and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS PARTNERSHIP, the designated operator,

That the Order entered on December 18, 2001, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the county identified above; that said Order was recorded on January 11, 2002;

That the designated operator POCAHONTAS GAS PARTNERSHIP has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of December 18, 2001;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are not subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

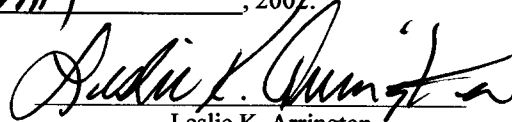
None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

See attached Exhibit EE; Lon B. Rogers Bradshaw Trust #2 / Lon B. Rogers Bradshaw Trust#1

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 31<sup>ST</sup> day of May, 2002.

  
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Gas Engineer of Consol Energy Inc., on behalf of the corporate Designated Operator, this 31<sup>st</sup> day of May, 2002.

  
Notary

My commission expires: 10/31/05.

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED  
BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK 550 PAGE 108

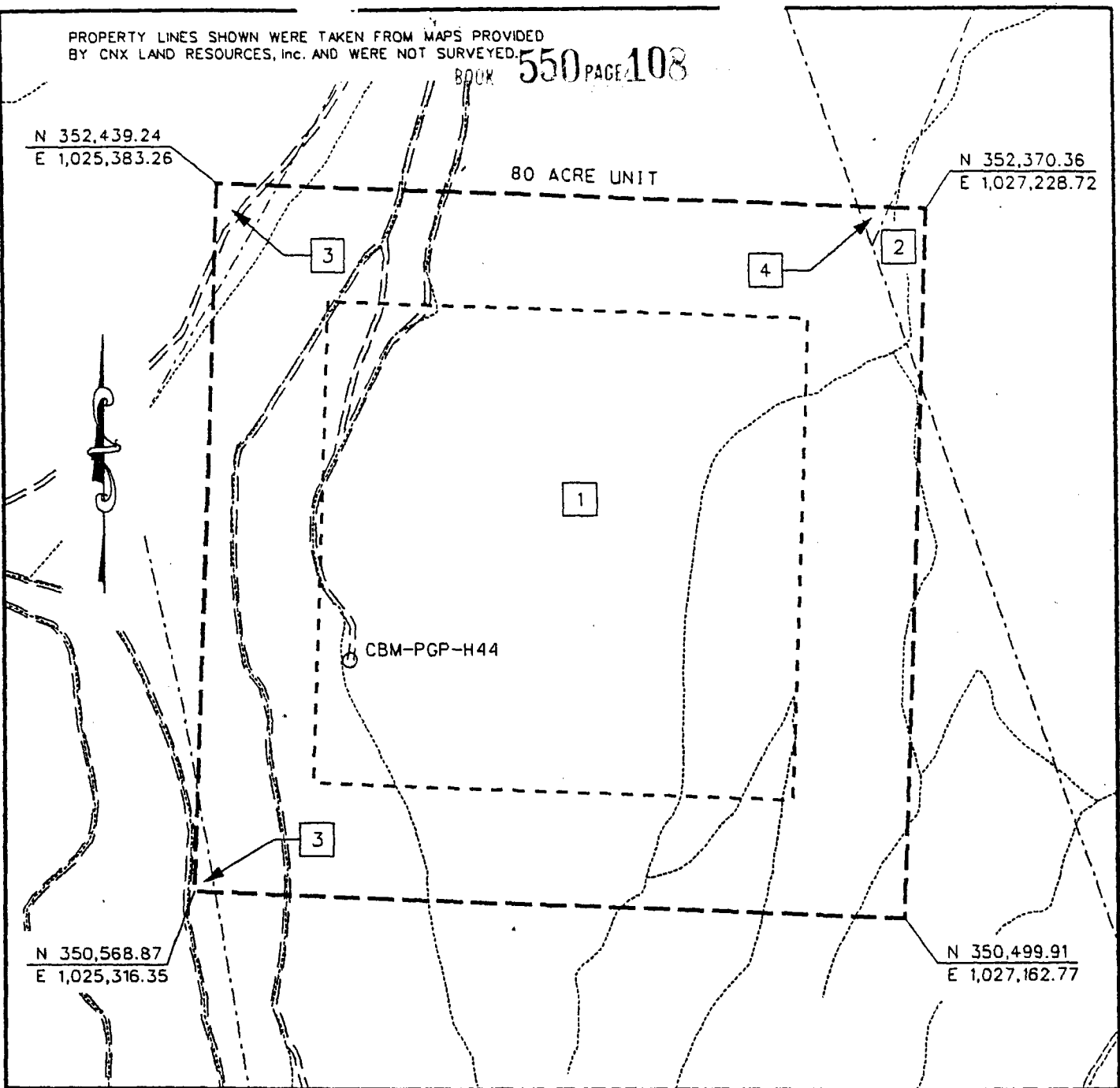


EXHIBIT A  
OAKWOOD FIELD UNIT H-44  
FORCE POOLING  
VGOB-01-1016-0964

Company Pocahontas Gas Partnership Well Name and Number UNIT H44  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Bradshaw/Jewell Ridge  
County Buchanan District Garden Scale: 1" = 400' Date 9/13/01  
This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGD-GD-7  
Rev. 9/91

Claude D. May  
Licensed Professional Engineer or Licensed Land Surveyor

10932  
(Affix Seal)  
LICENSED PROFESSIONAL ENGINEER

**POCAHONTAS GAS PARTNERSHIP**  
**UNIT H - 44**  
**Tract Identifications**

1. Pocahontas Mining Company Tr 80 - Fee  
Coal Lessees:  
Reserve Coal Properties - Coal Below Horizon of 250' Above P-3 Seam Leased  
Jewell Ridge Coal Corp. - Jewell, Jawbone, Tiller and War Creek Seams Leased  
Pocahontas Gas Partnership - CBM Leased Below Base of Tiller Seam  
77.94 acres 97.4250 %
2. Pocahontas Mining Company Tr 64 - Fee  
Coal Lessees:  
Reserve Coal Properties - Coal Below Horizon of 250' Above P-3 Seam Leased  
Jewell Ridge Coal Corp. - Jewell, Jawbone, Tiller and War Creek Seams Leased  
Pocahontas Gas Partnership - CBM Leased Below Base of Tiller Seam  
0.97 acres 1.2125 %
3. Tazewell Coal & Iron Company - Fee  
Coal Lessees:  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Jewell Smokeless Coal Company - Jewell and Jawbone Seams Leased  
Reserve Coal Properties Company - Oil & Gas Leased  
Pocahontas Gas Partnership - CBM Leased  
0.92 acres 1.1500 %
4. Lon B. Rogers Bradshaw Trust No. 2 - Surface and Coal  
Lon B. Rogers Bradshaw Trust No. 1, et al. - Oil & Gas  
Island Creek Coal Company/Consolidation Coal Company -  
Coal Below Jawbone Seam Leased  
P-3 Seam Assigned to Reserve Coal Properties Company  
Equitable Production Company - Oil, Gas and CBM Leased  
0.17 acres 0.2125 %

Exhibit B-3  
Unit H-44  
VGOB 01-1016-0964  
List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
<b>I. <u>COAL FEE OWNERSHIP</u></b>		
<b><u>Tract #4, 0.17 Acres</u></b>		
(1) Fon Rogers II, Trustee * Lon B. Rogers Bradshaw Trust #2 P.O. Box 22427 Lexington, KY 40522-2427	0.17 acres	0.21%
<b>II. <u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
<b><u>Tract #4, 0.17 Acres</u></b>		
Lon B. Rogers II, et al.	0.17 acres	0.2125%
(1) Lon B. Rogers II, Trust #1	0.13 acres 3/4 of 0.17 acres	0.1594%
(a) Fon Rogers II, Trustee * Lon B. Rogers Bradshaw Trust #1 P.O. Box 22427 Lexington, KY 40522-2427		
(2) Pamela Poulos, et al.	0.04 acres 1/4 of 0.17 acres	0.0531%
(a) Pamela Poulos 14441 Mendavia Avenue Coral Gables, FL 33146		
(b) Gregory & Karen Poulos 48 Azalee Avenue Inglic, FL 34449		
(c) Jason Poulos 10870 SW 95 Street Miami, FL 33176		
(d) T.G. & Tracey Rogers, III 14229 Ballantyne Country Club Drive Charlotte, NC 28277		
(e) Shaun & Nadine Rogers 121 NE 100th Street Miami Shores, FL 33128		
(f) Kevin & Katherine Rogers 139 Wickham Road Garden City, NY 11530		
(g) Derek B. & Anne Rogers 2001 Sablewood Drive Charlotte, NC 28205		

\* The CBM interest is leased by Equitable Production Company.

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #4, 0.17 Acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Fon Rogers II, Trustee * Lon B. Rogers Bradshaw Trust #2 P.O. Box 22427 Lexington, KY 40522-2427	0.17 acres	0.2125%
<u>OIL &amp; GAS FEE OWNERSHIP</u>		
Lon B. Rogers II, et al.	0.17 acres	0.2125%
(2) Pamela Poulos, et al.	0.04 acres 1/4 of 0.17 acres	0.0531%
(a) Pamela Poulos 14441 Mendavia Avenue Coral Gables, FL 33146		
(b) Gregory & Karen Poulos 48 Azalee Avenue Inglic, FL 34449		
(c) Jason Poulos 10870 SW 95 Street Miami, FL 33176		
(d) T.G. & Tracey Rogers, III 14229 Ballantyne Country Club Drive Charlotte, NC 28277		
(e) Shaun & Nadine Rogers 121 NE 100th Street Miami Shores, FL 33128		
(f) Kevin & Katherine Rogers 139 Wickham Road Garden City, NY 11530		
(g) Derek B. & Anne Rogers 2001 Sablewood Drive Charlotte, NC 28205		

\* The CBM interest is leased by Equitable Production Company.



## List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit
--	---------------	-----------------

Tract #4, 0.17 AcresCOAL FEE OWNERSHIP

(1) Fon Rogers II, Trustee * Lon B. Rogers Bradshaw Trust #2 P.O. Box 22427 Lexington, KY 40522-2427	0.17 acres	0.2125%
---	------------	---------

OIL & GAS FEE OWNERSHIP

Lon B. Rogers II, et al.	0.17 acres	0.2125%
(1) Lon B. Rogers II, Trust #1	0.13 acres 3/4 of 0.17 acres	0.1594%
(a) Fon Rogers II, Trustee * Lon B. Rogers Bradshaw Trust #1 P.O. Box 22427 Lexington, KY 40522-2427		

\* The CBM interest is leased by Equitable Production Company.

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 8<sup>th</sup> day of July, 20 02 12:24 P. M. The tax imposed by 557 1-802 of the Code has been paid in the amount of \$          . Deed Book No. 550 and Page No. 904. TESTE: James M. Bevins, Jr., Clerk  
Returned to Claire Davis TESTE: Jessie S. Miller Deputy Clerk

James M. Bevins Jr.

INSTRUMENT #020002609  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
JULY 8, 2002 AT 12:24PM  
JAMES M. BEVINS JR., CLERK

BY: \_\_\_\_\_ *JB*

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
BUCHANAN COUNTY CIRCUIT COURT  
DEED RECEIPT

DATE: 07/08/02 TIME: 12:24:28 ACCOUNT: 0270LR020002609 RECEIPT: 02000002457  
CASHIER: AKT REG: BU01 TYPE: ODU PAYMENT: FULL PAYMENT  
INSTRUMENT : 020002609 BOOK: PAGE: RECORDED: 07/08/02 AT 12:24  
GRANTOR: VIRGINIA GAS AND OIL BOARD EX: N LDC: 20  
GRANTEE: POCAHONTAS GAS PARTNERSHIP EX: N PCT: 100%  
AND ADDRESS :  
RECEIVED OF : DEPT MINES MINERALS ENERGY  
CHECK : \$38.00  
DESCRIPTION 1: 2 ORDERS PAGES: 0  
2: BATCH RECEIPT: 020002609 THRU 020002610 NAMES: 0  
CONSIDERATION: .00 ASSUME/VAL: .00 MAP: FAID  
CODE DESCRIPTION PAID CODE DESCRIPTION  
301 DEEDS 38.00

TENDERED : 38.00  
AMOUNT PAID: 38.00  
CHANGE AMT : .00

CLERK OF COURT: JAMES M. BEVINS JR.